

VZCZCXRO1043

PP RUEHAG RUEHDF RUEHIK RUEHLZ

DE RUEHVI #1483 1391522

ZNR UUUUU ZZH

P 191522Z MAY 06

FM AMEMBASSY VIENNA

TO RUEHC/SECSTATE WASHDC PRIORITY 3568

INFO RUCNMEM/EU MEMBER STATES COLLECTIVE

RUEHBY/AMEMBASSY CANBERRA 0200

RUEHWL/AMEMBASSY WELLINGTON 0081

RUEHGV/USMISSION GENEVA 1321

RUCNDT/USMISSION USUN NEW YORK 0123

RUEHBS/USEU BRUSSELS

UNCLAS VIENNA 001483

SIPDIS

SENSITIVE

SIPDIS

DEPARTMENT FOR IO/P, DRL, EUR/PGI, EUR/ERA AND EUR/AGS

E.O. 12958: N/A

TAGS: PHUM PREL FUN AU

SUBJECT: EU IN FAVOR OF DRAFT DECLARATION ON INDIGENOUS RIGHTS

REF: STATE 78740

This message is sensitive but unclassified.

¶1. (SBU) Embassy Vienna Pol Unit chief accompanied Australian Embassy First Secretary Cameron Archer on a demarche to Austrian MFA A/S-equivalent for Human Rights Engelbert Theuermann on May 19. Archer made a detailed and vigorous presentation of the views of Australia, New Zealand and the U.S. on the Draft Declaration on the Rights of Indigenous Peoples (DRIP) that tracked closely with reftel instructions. He also gave Theuermann six non-papers identical with those in reftel.

¶2. (SBU) Theuermann thanked us for the information and noted particularly that the proposals for revising the draft DRIP would be extremely useful. He said that EU member states had participated actively in the last Working Group meeting and were aware that Australia, New Zealand and the U.S. had a number of concerns about the draft declaration. However, he made it clear that the 25 EU member states had arrived at a common position that they were prepared to support the declaration in its current form. Still, the EU thought that the views of other key countries, particularly those with significant indigenous populations, were important.

¶3. (SBU) There was enormous frustration that this process had already taken eleven years, Theuermann said, and the EU was looking for a way forward. However, the worst outcome from the EU's point of view would be an extension of the mandate of the Working Group. The EU expected the Mexican Ambassador to the new Human Rights Council to become the Chair-designate, and wanted to work with him on a process of consultation and facilitation to line up the first session of the HRC.

¶4. (SBU) In the EU's view, the HRC's order of business should include consideration of the reports of all five intergovernmental working groups, including those on:

- Racism, to extend its mandate
- The right of development, to extend its mandate
- The Draft Convention on Disappearances, which the EU would like the HRC to adopt
- The Optional Protocol on Economic and Social Rights
- The Declaration on Rights of Indigenous Peoples

¶5. (SBU) According to Theuermann, the EU's reasoning was that one needed to read the first article of the draft declaration in conjunction with Article 45, which referred to the

provisions of the UN Charter that deal with territorial integrity. It was also clear (he said) that the DRIP, a non-binding declaration, could not undermine legally binding treaties, such as the UN Charter and the International Treaty for Civil and Political Rights (ITCPR).

¶6. (SBU) Theuermann noted that the views of the Scandinavian EU member states were strongly in favor of DRIP, and that the solid support DRIP had among the Latin American countries was also an important factor. He urged the U.S. and Australia to participate actively in the consultations in Geneva in early June. He said he also hoped to discuss the draft declaration with U.S. officials in a DVC (inlcuding DRL) on Wednesday, May 24.

Phillips